

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14534, of Prakrit Laohaphan, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the floor area ratio requirements (Paragraph 5301.11) to construct a rear addition to the premises, first floor grocery store and second floor offices, at premises 5540 Connecticut Avenue, N.W., (Square 1859, Lot 801).

HEARING DATES: January 14, 1987 and February 4, 1987  
DECISION DATE: February 4, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of January 14, 1987. The agenda for that date was not completed and the application was continued to February 4, 1987. The application was amended to read first floor deli rather than grocery store.

2. The site, known as premises 5540 Connecticut Avenue is located on the west side of Connecticut Avenue between McKinley and Morrison Streets. It is located in a C-1 District.

3. The site is rectangular in shape with a frontage of 25 feet along Connecticut Avenue and depth of 140 feet. A 15 foot wide public alley is located to the rear of the site. The site is improved with a brick structure which is two stories at the front of the site and one story to the rear.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations. The applicant is seeking a variance from the floor area ratio requirements (Paragraph 5301.11) to construct an addition to the rear of the structure.

5. The proposed addition will be two stories plus basement. The first floor will be used as an extension of the deli which currently occupies the first floor of the deli. The second story of the addition will be used to provide additional office space. Offices are currently located on the second floor of the structure. The basement addition will be used for storage.

6. The addition will extend 11 feet, six inches to the rear of the structure. It will comprise 987.50 square feet. The overall height of the building will not be increased.

7 4. The addition will align the rear of the subject structure with the rear wall-line of the structure immediately to the north of the site.

8. No parking spaces will be affected by the addition.

9. The area where the proposed addition would be located now serves as a repository for windblown debris. Concrete steps providing access to the basement and wooden steps providing access to the first floor are now located in this area.

10. By letter dated January 5, 1987, Advisory Neighborhood Commission (ANC) 3G reported that it voted to support the application. The ANC majority reported that since the variance in terms of square footage was relatively small, and since it was totally out of sight of Connecticut Avenue and unobstrusive to the alley and the nearby parking lots to the rear of the structure, there would be no detrimental precedent established. The ANC supports the office space extension and storage space in the basement. The ANC recommended that the extended space on the first floor be used as an extension of the existing restaurant or as an international grocery. The ANC noted that it has its offices on the second floor of the structure. The Board concurs with the recommendation of the ANC.

11. By letter dated December 31, 1986, the Commission for ANC Single Member District 3G06 reported his opposition to the application as the requested variance would be to exceed the FAR by more than one-fifth of that allowed. The Board finds that the addition is of minimal square footage and will have a negligible impact on surrounding properties.

12. A letter of support submitted to the record stated that the addition would be an aesthetic improvement with no adverse affect on the parking to the rear or neighboring businesses.

13. Adjacent property owner submitted a letter to the record in opposition to the application stating that there are enough grocery stores in the area. She further stated that she owns adjacent properties and she cannot visualize how the addition can be constructed without the workers walking on her new roof. The applicant does not intend to use the addition for a grocery store and that methods of construction are not within the jurisdiction of the Board. Further, the applicant's representative testified that the proposed construction would not affect the adjacent property.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Section 5301.11 of the Zoning Regulations allows a floor area ratio (FAR) of 1.0 percent, or 3,500 square feet for the site. The proposed addition will contribute 987.50 square feet to the existing structure which now comprises 3265.64 square feet resulting in a structure of 4,253.14 square feet or 21.52 percent. The Board concludes that the applicant has met the burden of proof. The proposed addition will be of minimal size. It will be aligned with the rear of neighboring structures and will improve the appearance of the structure. The indentation of the building now creates an undesirable, nuisance space which is unattractive and collects trash. No parking spaces will be displaced by the addition. The space that the addition will occupy now contains two sets of stairs.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The first floor of the addition shall provide for the extension of the existing restaurant.
2. The second floor of the addition shall be used for offices.

Construction shall be in accordance with the plans marked as Exhibit No. 10 of the record.

VOTE: 5-0 (Patricia N. Mathews, Paula L. Jewell, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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